



State of New Jersey

**ELECTION LAW ENFORCEMENT COMMISSION**

NATIONAL STATE BANK BLDG., SUITE 1215  
28 W. STATE STREET. CN-185  
TRENTON, NEW JERSEY 08625-0185  
(609) 292-8700

STANLEY G. BEDFORD  
CHAIRMAN

OWEN V. MCNANY, III  
VICE CHAIRMAN

ANDREW C. AXTELL  
COMMISSIONER

DAVID LINETT  
COMMISSIONER

FREDERICK M. HERRMANN, PH.D.  
EXECUTIVE DIRECTOR

JEFFREY M. BRINDLE  
DEPUTY DIRECTOR

GREGORY E. NAGY  
LEGAL DIRECTOR

EDWARD J. FARRELL  
COUNSEL

January 18, 1989

Honorable Donald T. DiFrancesco  
Hooley, Butler, DiFrancesco & Kelly  
P. O. Box 669  
Westfield, NJ 07091-0669

Advisory Opinion No 01-1989

Dear Senator DiFrancesco:

The Commission has received your request for an advisory opinion and directed me to issue this response. You have asked whether the statutory limitation on the amount that may be contributed to a gubernatorial candidate (see N.J.S.A. 19:44A-29) precludes maximum \$800 contributions from both the "Friends of Don DiFrancesco," a continuing political committee, and from any contributor to the continuing political committee.

The "Friends of Don DiFrancesco" is a continuing political committee filing quarterly reports with the Commission pursuant to N.J.S.A. 19:44A-8(a). You write that the account is used for a variety of political purposes, including contributing to various candidates for public offices. According to the quarterly report filed on October 18, 1988, "Friends of Don DiFrancesco" reported a balance of cash on hand of \$8,738.21. Furthermore, in a telephone discussion with Commission staff, you asked whether contributors to "Friends of Don DiFrancesco," including yourself, could personally contribute to the same gubernatorial candidate receiving a maximum contribution of \$800 from the continuing political committee. An examination of the quarterly reports filed to date during 1988 discloses that substantially more than fifteen persons or other contributors have made contributions to this entity.

Commission Regulation N.J.A.C. 19:25-16.11(e) provides as follows:

A contribution received from a contributing member of a political committee which has made a prior contribution to the candidate shall be eligible for matching funds, provided that the political committee is a bona fide a political entity with at least 15 contributing members and was not created to circumvent the contribution limit contained in the act.

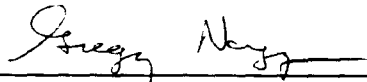
Honorable Donald T. DiFrancesco  
January 18, 1989  
Page 2

The Commission is satisfied that the "Friends of Don DiFrancesco" is a bona fide political committee satisfying the criteria set forth in the above regulation. Therefore, the "Friends of Don DiFrancesco" may make a contribution of up to \$800 to a gubernatorial candidate and its contributors, including yourself, individually may also make contributions of \$800 each from personal funds without violating the contribution limit set forth in N.J.S.A. 19:44A-29.

Thank you for your inquiry.

Very truly yours,

ELECTION LAW ENFORCEMENT COMMISSION

By:   
\_\_\_\_\_  
Gregory E. Nagy

GEN/cn